THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.22993 of 2005

Date: 03-01-2007.

Between :

Peri Narasimhamurthy.

.....Petitioner

And

The Government of Andhra Pradesh, rep. by its Secretary, Law (L.A. & J-SCCF) Department, Secretariat, Hyderabad & others.

.....Respondents.

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

The grievance of the petitioner was that the 3rd respondent has issued a Revised Pension Payment Order dated 08.10.2004, which was contrary to the provisions of G.O.Ms.No.79, dated 17.07.2004. By virtue of this Revised Pension Payment Order, the petitioner's pension was sought to be revised, which in effect, reduces his pension, which according to him, cannot be done. It is a settled principle that the pension of an employee cannot be reduced except by way of punishment.

In the counter affidavit, the Registrar (General) of this Court has stated that the petitioner was getting pre-revised pension of Rs.4,553/- and if Karnataka Model is

followed, then he would get Rs.4,543/-, and if the pension is fixed in terms of G.O.Ms.No.79, dated 17.07.2004, then the pension would be further reduced to Rs.3,658/-. However, in para 18 of the counter affidavit it is stated that the petitioner can opt for the pension, which is beneficial to him.

In this view of the matter, we dispose of the writ petition, permitting the petitioner to make a representation to the Registrar (General) of this Court, duly exercising the option, so that his pension is fixed in accordance with rules, without reduction in his pension, which was being paid to him before the issuance of G.O.Ms.No.79, dated 17.07.2004. After the pension is fixed by the Registrar (General), the other respondents shall pay the pension to the petitioner accordingly.

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BILAL NAZKI, J

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NOOTY RAMAMOHANA RAO, J

3rd January 2007.

ajr